

## **Performance Outcome 2.1.**

Perform the duties of a deputy/jail officer in compliance with constitutional requirements and the Bill of Rights.

## **Training Objective Related to 2.1.**

A. Given a written exercise, identify the applicability of the 1<sup>st</sup>, 4<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> Amendments to the United States Constitution to jail operations.

**Criteria:** The trainee shall be tested on the following:

- 2.1.1. Define Constitutional Law.
- 2.1.2. List the protections provided to jail inmates in the First Amendment of the U.S. Constitution.
- 2.1.3. List the protections provided to jail inmates in the Fourth Amendment of the U.S. Constitution.
- 2.1.4. List the protections provided to jail inmates by the Eighth Amendment of the U.S. Constitution.
- 2.1.5. Identify the difference between the constitutional rights of pre-trial detainee and those of convicted inmates provided by the 13<sup>th</sup> Amendment.
- 2.1.6. List the protections provided to jail inmates by the Fourteenth Amendment.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Define Constitutional Law.
2. List the protections provided in the First Amendment of the U.S. Constitution and identify how these protections apply in a jail.
  - a. Religion (including Religious Land Use and Institutionalized Persons Act)
  - b. Speech (mail, phone calls)
  - c. Press (newspapers, magazines)
  - d. Association (visitors)
  - e. Redress of grievances (access to courts; legal services to which indigent inmates are entitled in matters related to their incarceration)
  - f. Others as may be identified by the instructor
3. List the protections provided to jail inmates by the Fourth Amendment of the U.S. Constitution.
  - a. Cell searches
  - b. Person searches
    1. Frisk
    2. Strip
    3. Body cavity
  - c. Seizures
    1. Contraband
    2. Evidence
4. List the protections of the Eighth Amendment of the U.S. Constitution.
  - a. Medical
  - b. Psychological
  - c. Exercise
  - d. Housing
  - e. Sanitation
  - f. Safety
  - g. Others as may be identified by the instructor
5. Identify the reasons an inmate may be placed in segregation.
  - a. Administrative
  - b. Disciplinary
6. Identify the difference between the constitutional rights of pre-trial detainee and those of convicted inmates as applicable to the 13<sup>th</sup> Amendment.
7. List the protections provided to jail inmates by the Fourteenth Amendment.
  - a. Due process
    1. Substantive
    2. Procedural
  - b. Equal protection (especially in relation to religious issues)

## **Performance Outcome 2. 2.**

Perform the duties of a deputy/jail officer/court security or civil process service officer with awareness of personal and agency liability.

## **Training Objective Related to 2. 2.**

- A. Given a written exercise, identify the requirements of Title 42, United States Code Section 1983, Title 18 United States Codes Sections 241 and 242, and tort law related to personal and agency liability.
- B. Given a written exercise, identify how the above mentioned laws apply to jail operations and jail/court security/civil process service staff in order to perform required duties and minimize liability.
- C. Given a written exercise, identify how the Civil Rights of Institutionalized Persons Act (CRIP) applies to jail/court security/civil process service staff.

**Criteria:** The trainee shall be tested on the following:

- 2.2.1. Identify the elements that must be present for a person to file a §1983 lawsuit.
- 2.2.2. Identify the most common legally accepted defenses against a §1983 lawsuit.
- 2.2.3. Identify the levels of negligence related to tort and 1983 lawsuits.
- 2.2.4. Identify the major difference between Title 18 U.S. Code §241 and Title 18 U.S. Code §242.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Identify the elements that must be present for a person to file a §1983 lawsuit.
2. Identify the most commonly accepted defenses against a §1983 lawsuit.
  - a. substantive defenses
  - b. procedural defenses
    - 1). Immunity
    - 2). Statute of limitations
3. Identify the levels of negligence in relation to tort and 1983 lawsuits.
  - a. simple negligence
  - b. gross negligence
  - c. deliberate indifference
  - d. malicious and sadistic actions
4. Identify the major difference between Title 18 U.S. Code §21 and Title 18 U.S. Code §242.

**Performance Outcome 2. 3.**

Perform duties of a deputy/jail officer according to laws governing the office of sheriff and regional jails

**Training Objective Related to 2. 3.**

- A. Given a written exercise, identify the sections of the Code of Virginia that relate to the jobs and responsibilities of jail officers, the office of sheriff and jail superintendents, and jail operations and security.
- B. Given a written exercise, correctly identify these laws.

**Criteria:** The trainee shall be tested on the following:

- 2.3.1. Identify the process by which a bill becomes law in Virginia.
- 2.3.2. Identify the powers and duties of a sheriff as a constitutional officer.
- 2.3.3. Identify the powers and duties of the regional jail superintendent.
- 2.3.4. Identify factors that affect the employment of a deputy sheriff/jail officer.
- 2.3.5. Define local correctional facility and lockup vs. local jail.
- 2.3.6. Identify the Board responsible for establishing the Minimum Standards for Local Jails and Lockups, the status of the Standards, the relationship between the state standards and the American Correctional Association Standards, the result of not complying with the Standards, and who has authority to enforce the standards.
- 2.3.7. Identify the court duties of the sheriff.
- 2.3.8. Identify the information that must be included in daily jail records.
- 2.3.9. Identify the procedures to be followed when admitting a suspected illegal alien into the jail.
- 2.3.10. Identify the notification procedures to be followed in the event of a death in the jail.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Identify the process by which a bill becomes law in Virginia.
2. Identify the powers of a sheriff as a constitutional officer.
3. Identify the powers and duties of a regional jail superintendent.
4. Identify factors that affect the employment of a deputy sheriff/jail officer.
5. Define local correctional facility and lockup vs. local jail.
6. Identify the Board responsible for establishing the Minimum Standards for Local Jails and Lockups, the status of the Standards, the relationship between the state standards and the American Correctional Association Standards, the result of not complying with the Standards, and who has authority to enforce the standards.
7. Identify the court duties of the sheriff.
8. Identify the information that must be included in daily jail records. (53.1-116)
9. Identify the procedures to be followed when admitting a suspected illegal alien into the jail.
10. Identify the notification procedures to be followed in the event of a death in the jail.

**Instructor Note: Number 6 in the Lesson Plan Guide must include sufficient detail so that the trainee is able to identify the historical evolution of jails and lockup and the impact of Standards on these facilities. Number 7 must include sufficient detail so that the trainee is able to identify the elements of the criminal justice system with particular emphasis on courts and the sheriff's role in these elements.**

## **Performance Outcome 2. 4.**

Respond to request by determining whether the facts are civil or criminal.

## **Training Objectives Relating to 2. 4.**

A. Given a written exercise, identify actions as civil or criminal matters.

**Criteria:** The trainee shall be tested on the following:

- 2.4.1. Define and contrast a crime vs. a tort.
- 2.4.2. Define civil liability in contrast to criminal sanctions.
- 2.4.3. Given the facts of a crime, identify the crime and Code section using the Code of Virginia.
  - 2.4.3.1. Identify the classes of felonies and their punishments.
  - 2.4.3.2. Identify the classes of misdemeanors and their punishments.
  - 2.4.3.3. Define infractions and local ordinances.
- 2.4.4. Define consecutive and concurrent sentencing.
- 2.4.5. Identify the penalties attached for an inmate who takes hostages or injures any employee of a correctional facility.
- 2.4.6. Identify the penalties attached for delivery of controlled substances, firearms, ammunition, or explosives to an inmate.
- 2.4.7. Identify the two defenses against a tort suit.
- 2.4.8. Identify and define the types of damage related to tort and 1983 lawsuits.
- 2.4.9. Evaluate facts of a situation to determine if it is a civil or criminal matter by applying the definitions of civil vs. criminal.
- 2.4.10. Identify civil matters of import to jail/detention staff.
  - 2.4.10.1. Habeas Corpus
  - 2.4.10.2. Writ of Mandamus/Prohibition
  - 2.4.10.3. Injunction

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Define and contrast a crime vs. a tort. Discuss Virginia Tort Law including §8.01-195. Case reference: Commonwealth v. Webb, 27 Va. (6 Rand.) 726 (1928). Case reference: Jernigan v. Commonwealth, 104 Va. 850, 52 SE 361 (1905).
2. Define civil liability in contrast to criminal sanctions.
- 3.. Given the facts of a crime, identify the crime and Code section using the Code of Virginia.
  - a. Identify the classes of felonies and their punishments.
  - b. Identify the classes of misdemeanors and their punishments.
  - c. Define infractions and local ordinances.
4. Define consecutive and concurrent sentencing.
5. Identify the penalties attached for an inmate who takes hostages or injures any employee of a correctional facility.
6. Identify the penalties attached for delivery of controlled substances, firearms, ammunition, or explosives to an inmate.
7. Identify the two types of defenses against a tort suit (substantive and procedural).
8. Identify and define the types of damage related to tort and 1983 lawsuits.
  - a. nominal
  - b. compensatory
  - c. punitive
9. Evaluate facts of a situation to determine if it is a civil or criminal matter by applying the definitions of civil vs. criminal. Note that Virginia is a common law state (common law still in effect except as overruled or replaced by the Code of Virginia). Identify the Code citation enabling local counties, cities, and towns to establish local ordinances. (§15.2-1425) (§15.2-1429)
10. Identify civil matters of import to jail/detention staff.
  - a. Habeas Corpus
  - b. Writ of Mandamus/Prohibition
  - c. Injunction
  - d. Contempt of Court, (e.g. §16.1-278.16)

***Instructor Note: Advise trainees that they must identify department policy relating to explaining a violation of county or municipal ordinances that is the basis for a summons to the violator. Advise trainees that they must identify department policy relating to use of discretion regarding a violation of law.***



### **Performance Outcome 2. 5.**

Obtain an arrest warrant from proper authority.

### **Training Objectives Related to 2. 5.**

- A. Given a written or practical exercise, identify the proper authority from whom to obtain an arrest warrant, the information that must be presented to support a warrant, and return requirements.

**Criteria:** The trainee shall be tested on the following:

- 2.5.1. Identify the proper authorities from which an arrest warrant may be obtained according to 19.2 -71 and Rule 3A:3 of the Rules of the Supreme Court of Virginia
- 2.5.2. Identify the information that must be provided to support a warrant
- 2.5.3. Return arrest warrant conforming to statutory requirements

**Lesson Plan Guide:** The lesson plan shall include the following:

1. The proper authorities from which an arrest warrant may be obtained according to 19.2 -71 and Rule 3A:3 of the Rules of the Supreme Court of Virginia
  - a. Judge
  - b. Clerk of any circuit, general district, or family court
  - c. Magistrate
2. The information that must be provided to support a warrant
  - a. The crime
  - b. The facts that support probable cause
  - c. How these facts relate to the suspect(s)
3. Return of arrest warrant conforming to statutory requirements
  - a. Deputy/jail officer endorsement of the warrant
  - b. Return to a judicial officer with authority to grant bail

### **Performance Outcome 2.6.**

Arrest persons with a warrant.

### **Training Objectives Relating to 2.6.**

- A. Given a written exercise, identify constitutional and statutory requirements to arrest a person with a warrant.

**Criteria:** The trainee shall be tested on the following:

- 2.6.1. Define arrest.
- 2.6.2. Identify the mandatory contents of a valid warrant.
- 2.6.3. Identify the territorial limitations of a deputy/jail officer's power to arrest.
- 2.6.4. Identify the consequences of an illegal arrest.
- 2.6.5. Identify the process of executing an arrest warrant.

**Lesson Plan Guide:** The lesson plan shall include the following:

Code of Virginia, §19.2-71 to §19.2-83.1

1. Define arrest.
2. Identify who may issue a warrant for the arrest of a person charged with a criminal offense.
3. Identify the mandatory contents of a valid warrant:
  - a. It shall be directed to an appropriate deputy/jail officer
  - b. It shall name the accused or set forth a description by which he/she can be identified
  - c. It shall describe the offense charged with reasonable certainty
  - d. It shall command that the accused be arrested and brought before a court of appropriate jurisdiction
  - e. It shall be signed by the issuing officer
4. Identify the territorial limitations of a deputy/jail officer's power to arrest.
5. Identify the consequences of an illegal arrest.
6. Identify the process of executing an arrest warrant:
  - a. Arrest the accused
  - b. Inform the accused of the offense charged and that a warrant has been issued
  - c. Endorse and date the warrant
  - d. Deliver a copy of the warrant to the accused as soon as possible

## Performance Outcome 2.7

Arrest persons without a warrant.

## Training Objective 2.7

Given a written exercise, identify constitutional and statutory requirements to arrest a person without a warrant.

**Criteria:** The trainee shall be tested on the following:

- 2.7.1. Identify the requirement for warrantless felony arrest under §19.2-81.
- 2.7.2. Identify the general requirement for a warrantless misdemeanor arrest.
- 2.7.3. Given narrative examples of arrest situations, determine if the warrantless arrest is legal.
- 2.7.4. Identify three situations whereby an deputy/jail officer may make a warrantless arrest according to the Code of Virginia.
- 2.7.5. Identify the parameters for issuing a summons in lieu of arrest.
- 2.7.6. Identify a situation in which an officer may issue a summons in lieu of arrest.

**Lesson Plan Guide:** The lesson plan shall include the following:

Code of Virginia, §19.2-81 to 19.2-83.1

1. Identify the requirement for warrantless felony arrest under §19.2-81.
2. Identify the general requirement for a warrantless misdemeanor arrest.
3. Define probable cause for arrest.
4. Given narrative examples of arrest situations, determine if the warrantless arrest is legal
5. Identify the situations whereby a deputy/jail officer may make a warrantless arrest according to the Code of Virginia.
  - a. upon information that the individual is wanted in another jurisdiction through electronic messages (fax, teletype and radio messages)
  - b. assault and battery
  - c. a probation or parole violation, etc.
  - d. concealed weapon
6. Identify the Virginia State Code sections pertaining to warrantless arrests:
  - a. Escape, flight and pursuit, arrest anywhere in Commonwealth (§19.2-77)
  - b. Arrest by officers of other states in close pursuit (§19.2-78)
  - c. Arrest without warrant authorized in certain cases (§19.2-81)
  - d. Procedure for arrest without warrant (§19.2-82)
7. Identify the parameters for issuing a summons in lieu of arrest.
8. Identify a situation in which an officer may issue a summons in lieu of arrest.

**Performance Outcome 2. 8.**

Answer questions regarding the progress of a case according to rules of privacy and security controlling access to records.

**Training Objectives Relating to 2. 8.**

- A. Given a written exercise, identify basic laws governing rules of privacy and security to control access to records.

**Criteria:** The trainee shall be tested on the following:

- 2.8.1. Statutes relating to criminal history records/juvenile information
- 2.8.2. Statutes relating to release of information through NCIC or VCIN
- 2.8.3. Application of HIPPA in relation to inmate medical records.
- 2.8.4. Application of the Freedom of Information act (2.1-342?) in Virginia jails.
- 2.8.5. Application of the Privacy Protection Act in Virginia jails. (2.1 ?)

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Statutes relating to criminal history records/juvenile information.
2. Statutes relating to release of information through NCIC or VCIN.
3. Review of privacy of inmate medical records, especially HIPPA.
4. Review of the Virginia Freedom of Information Act (2.1 ?) (Inmates have no access)
5. The Virginia Privacy Protection Act (2.1 ?)



### **Performance Outcome 2. 9.**

Serve mental health commitment papers.

### **Training Objectives Relating to 2. 9.**

- A. Given a written exercise, identify Code of Virginia requirements for serving mental health commitment papers (emergency custody orders or temporary detention orders only).

**Criteria:** The trainee shall be tested on the following:

- 2.9.1. Define emergency custody orders and temporary detention orders and situations in which these would be utilized.
- 2.9.2. Define the difference between criminal and civil temporary detention orders.
- 2.9.3. Identify persons having authority to issue an emergency custody order or temporary detention order.
- 2.9.4. Identify procedures for emergency custody order or temporary detention order return of service.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Definition of emergency custody orders and temporary detention orders and situations in which these would be utilized.
2. Define the difference between criminal and civil temporary detention orders.
3. Identification of persons having authority to issue an emergency custody order or temporary detention order (judge or magistrate).
4. Procedures for emergency custody order or temporary detention order return of service.
  - a. Return service promptly to clerk's office stating the date and manner of service and to whom service was made.
5. Service of mental health commitment papers is the same as service and return of any other civil judicial process.
6. Service is not restricted but is applicable statewide (§8.01-292)
7. Copy of papers must be served to the person to be committed or to a person found at the normal place of abode or posted on the front door or main entrance of the abode or by mail (§8.01-296)
8. Emergency commitments (involuntary detention), §37.1-67.1.

***Instructor Note: Advise trainees that they must identify department policy related to serving mental health commitment papers as part of their department training.***

## **Performance Outcome 2.10.**

Apply knowledge of the law to related to family abuse and protective orders.

## **Training Objectives Related to 2.10.**

A. Given a written exercise, identify elements of the crimes related to family abuse.

**Criteria:** The trainee shall be tested on the following:

- 2.10.1. Define the following:
  - 2.10.1.1. family abuse
  - 2.10.1.2. family or household member
- 2.10.2. Identify the elements of the statutes that provide relevant law
  - 2.10.2.1. (definitions)
  - 2.10.2.2. (jurisdiction)
  - 2.10.2.3. (venue)
  - 2.10.2.4. (preliminary protective order)
  - 2.10.2.5. (preliminary protective orders in cases of family abuse)
  - 2.10.2.6. (violations of provisions of protective orders)
  - 2.10.2.7. (emergency protective orders authorized in cases of family abuse)
  - 2.10.2.8. (criminal jurisdiction; protective orders)
  - 2.10.2.9. (protective order in cases of family abuse)
  - 2.10.2.10. (purchase or transportation of firearms by person subject to protective orders)
  - 2.10.2.11. (arrest without a warrant authorized in cases of assault and battery against a family member and for violations of protective orders)
  - 2.10.2.12. (emergency protective order authorized in cases of stalking)
  - 2.10.2.13. (preliminary protective order authorized in cases of stalking)
  - 2.10.2.14. (protective order authorized in cases of stalking)

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Definitions for the following:
  - a. family abuse
  - b. household or family member
2. Statutes that provide relevant law
  - a. Definitions, §16.1-228
  - b. Jurisdiction, §16.1-241
  - c. Venue, §16.1-243
  - d. Preliminary protective order, §16.1-253
  - e. Preliminary protective orders in cases of family abuse, §16.1-253.1
  - f. Violations of provisions of protective orders, §16.1-253.2
  - g. Emergency protective orders authorized in cases of family abuse, §16.1-253.4
  - h. Criminal jurisdiction; protective orders; family offenses, §16.1-278.14
  - i. Protective order in cases of family abuse, § 16.1-279.1
  - j. Purchase or transportation of firearms by person subject to protective orders, §18.2-308.1:4
  - k. Arrest without a warrant authorized in cases of assault and battery against a family member and for violations of protective orders, §19.2-81.3
  - l. Emergency protective order authorized in cases of stalking, §19.2-152.8
  - m. Preliminary protective order authorized in cases of stalking, §19.2-152.9
  - n. Protective order authorized in cases of stalking, §19.2-152.10

## **Performance Outcome 2. 11.**

Apply knowledge of law to obtain information from a subject conforming to constitutional requirements.

## **Training Objectives Related to 2. 11.**

- A. Given a written or practical exercise, identify constitutional requirements to obtain information from a subject.

**Criteria:** The trainee shall be tested on the following:

- 2.11.1. Identify constitutional issues related to detention and questioning of a subject.
- 2.11.2. Identify the relevant cases regarding interrogation:
  - 2.11.2.1. Malloy v. Hogan, 378 U.S. 1 (1964)
  - 2.11.2.2. Miranda v. Arizona, 384 U.S. 436 (1966)
  - 2.11.2.3. Massiah v. United States, 377 U.S. 201 (1964)
- 2.11.3. Identify the two conditions which together trigger the necessity for Miranda warnings.
- 2.11.4. Explain the difference between an exculpatory and inculpatory statement and the necessity for documenting both.
- 2.11.5. Identify the conditions by which a confession will be judged to be admissible.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. The rights of an arrested person as guaranteed by the U. S. Constitution.
2. Identify constitutional issues related to detention and questioning of a subject.
3. Identify the relevant cases regarding interrogation:
  - a. Malloy v. Hogan, 378 U.S. 1 (1964)
  - b. Miranda v. Arizona, 384 U.S. 436 (1966)
  - c. Massiah v. United States, 377 U.S. 201 (1964)
  - d. Ford v. Commonwealth, 503 S.E.2d 803, 28 Va. App 249, (1998)
  - e. Novak v. Commonwealth, 457 S.E. 2d 402, 20 Va. App.373, (1995)
  - f. Wass v. Commonwealth, 359 S.E. 2d 836, 5 Va. App. 27, (1987)
  - g. Lanier v. Commonwealth, 394 S.E. 2d 495, 10 Va. App. 541, (1990)
4. Identify the two conditions that together trigger the necessity for Miranda warnings:
  - a. in custody **AND**
  - b. police interrogation.
5. Identify use of consent forms and waiver forms
6. Explain the difference between an exculpatory and inculpatory statement and the necessity for documenting both.
7. Identify the conditions by which a confession will be judged to be admissible.
8. Identify the constitutional basis for the Miranda warning and read the warning
  - a. Identify the point at which the suspect should be advised of constitutional rights.
  - b. Read the complete Miranda warning.

## Performance Outcome 2.12

Conduct searches and seizures under the following conditions:

- with and without a warrant
- incident to hot pursuit
- with or without consent
- incident to arrest
- confer with the local Commonwealth's Attorney under unusual search and seizure circumstances

## Training Objectives Related to 2.12

Given a written or practical exercise:

- A. Identify those search and seizure situations in which the 4th Amendment mandates a warrant.
- B. Identify search and seizure situations in which a warrantless search may be legally conducted.
- C. Identify situations that warrant conferring with the local Commonwealth's Attorney for guidance.
- D. Complete an affidavit for a search warrant.
- E. Identify proper authority for obtaining the warrant.
- F. Identify return requirements.

**Criteria:** The trainee shall be tested on the following:

- 2.12.1. Identify the reason that searches generally require a warrant.
- 2.12.2. Identify the reason that search warrants must be obtained for crime scenes except in emergency circumstances.
- 2.12.3. Identify the proper authorities from which a search warrant may be obtained
  - a. Judge
  - b. Magistrate
  - c. Other person with authority to issue criminal warrants in the jurisdiction of the place to be searched
- 2.12.4. Complete a sample affidavit
  - a. Description of place, thing, or person to be searched
  - b. Description of things or persons to be searched for
  - c. The crime causing the search
  - d. Thing(s) being searched for is/are evidence of the crime
  - e. Any other material facts that show probable cause to issue search warrant

**Category 2,  
Legal Issues**

**Jail, Court Security, Civil Process**

- 2.12.5. State facts and circumstances that would lead a reasonable person to believe the seizable items are located in the area to be searched.
- 2.12.6. Identify Code of Virginia requirements for return of search warrant
  - a. Date of execution of warrant, signature, and time noted on warrant
  - b. Under oath, inventory all property seized
  - c. File in circuit court clerk's office within three days the search warrant, inventory, and affidavit
- 2.12.7. Identify requirements for warrantless search of premises or property for suspect incident to hot pursuit conforming to constitutional requirements and Code of Virginia
  - a. Define the hot pursuit exception to warrant requirements.
  - b. Identify the circumstances that justify hot pursuit.
  - c. Define the scope of a search incident to hot pursuit.



**Lesson Plan Guide:** The lesson plan shall include the following:

1. Unless an exception is identified, searches require a warrant if a reasonable expectation of privacy exists.
2. Search warrants must be obtained for crime scenes except in emergency circumstances on public property, or consent is given. Jail staff do not need a search warrant for the search of an inmate's person, property, or cell for security, safety or management reasons. A search related to a criminal investigation needs a search warrant with probable cause to believe the property is fruits of a crime or evidence of a crime.
3. Identify items that may be subject to asset forfeiture laws.
  - a. Situations where assets may be seized
    - (1). Anything used in substantial connection with money, sale, or distribution of illegal drugs
    - (2). Anything traded or exchanged for illegal drugs
4. Identify the proper authorities from which a search warrant may be obtained according to §19.2 - 52:
  - a. Judge
  - b. Magistrate
  - c. Other person with authority to issue criminal warrants in the jurisdiction of the place to be searched
5. Complete a sample affidavit according to §19.2-54 covering:
  - a. Description of place, thing, or person to be searched
  - b. Description of things or persons to be searched for
  - c. The crime causing the search
  - d. Thing(s) being searched for is/are evidence of the crime
  - e. Any other material facts that show probable cause to issue search warrant
6. State facts and circumstances that would lead a reasonable person to believe the seizable items are located in the area to be searched.
7. Return search warrant conforming to Code of Virginia §19.2-57 requirements:
  - a. Date of execution of warrant, signature, and time noted on warrant
  - b. Under oath, inventory all property seized
  - c. File in circuit court clerk's office within three days the search warrant, inventory, and affidavit
8. Identify requirements for warrantless search of premises or property for suspect incident to hot pursuit conforming to constitutional requirements and Code of Virginia §19.2-59.
  - a. Define the hot pursuit exception to warrant requirements.
  - b. Identify the circumstances that justify hot pursuit.
  - c. Define the scope of a search incident to hot pursuit.

### **Performance Outcome 2.13.**

Frisk or search a subject.

### **Training Objectives Relating to 2.13.**

Given a written exercise,

1. Identify the parameters under which a pat down of a subject may be conducted.
2. Identify the parameters under which a search of a subject may be conducted.

**Criteria:** The trainee shall be tested on the following:

- 2.13.1. The elements of a detention and arrest.
- 2.13.2. The scope of the search of a person and the circumstances when the search may be extended beyond the subject.
- 2.13.3. The relevant legal principles.
  - a. Terry v. Ohio (person not in custody)
  - b. Bell v. Wolfish (person in custody)

**Lesson Plan Guide:** The lesson plan shall include the following:

1. The elements of a detention and arrest.
2. The scope of the search of a person and the circumstances when the search may be extended beyond the subject.
3. The relevant legal principles.
  - a. Terry v. Ohio (person not in custody)
  - b. Bell v. Wolfish (person in custody)

### **Performance Outcome 2.14.**

Identify, establish custody of, and record a chain of custody for evidence, seized or detained property, or recovered property.

### **Training Objectives Related to 2.14.**

- A. Given a written exercise, identify legal requirements to identify, establish custody of, and document a chain of custody for evidence, seized or detained property, or recovered property.

**Criteria:** The trainee shall be tested on the following:

- 2.14.1. Define evidence.
- 2.14.2. Define the types of evidence.
- 2.14.3. Define the chain of custody.
- 2.14.4. Identify the minimum tests that an item of evidence must successfully pass before admission to any criminal court.
- 2.14.5. Identify methods used for initially considering that an item may be evidence.
- 2.14.6. Identify procedure to establish and track chain of custody of evidence.
  - 2.14.6.1. Establish custody by marking with proper tags and securing or protecting.
  - 2.14.6.2. Document all persons handling the evidence or property.
  - 2.14.6.3. Document all persons handling the evidence or property during recovery, removal, transport, storage, and release.
- 2.14.7. Identify reason to document return of property when lawfully released for later recovery.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Define evidence.
2. Define the types of evidence.
  - a. Documentary (written items)
  - b. Trace
  - c. Real
  - d. Circumstantial
  - e. Physical
  - f. Confessions
  - g. Photographic
3. Define the chain of custody.
4. Identify the minimum tests that an item of evidence must successful pass before admission to any criminal court (Rules of Evidence)
  - a. Legal relevance
  - b. Logical relevance
5. Methods used to initially identify evidence
  - a. Personal observation
  - b. Discovery through a valid search warrant
6. Identify methods used for initially considering that an item may be evidence
7. Identify procedure to establish and track chain of custody of evidence
  - a. Establish custody by marking with proper tags and securing or protecting
  - b. Document all persons handling the evidence or property
  - c. Document all persons handling the evidence or property during recovery, removal, transport, storage, and release
8. Identify reason to document return of property when lawfully released for later recovery

### **Performance Outcome 2.15.**

Identify legal basis for use of force by an officer.

### **Training Objective Related to 2. 15.**

- A. Given a written exercise, identify elements of case law and statutory law pertaining to use of force by officers in the performance of duty.

**Criteria:** The trainee shall be tested on the following:

- 2.15.1. Preservation of life
  - a. Case law
- 2.15.2. Preservation of property
- 2.15.3. Enforcing regulations
- 2.15.4. Preventing escapes
- 2.15.5. Enforcing valid orders

**Lesson Plan Guide:** The lesson plan shall include the following:

Case law pertaining to use of force by deputies or jail officers in the performance of duty.

1. Preservation of life
  - a. Case law
    - (1). Graham v. Connor (applies rules of Constitutional amendment most closely associated with the status of the subject of force)
    - (2). Tennessee v. Garner (applies the objective reasonableness test)
    - (3). Hudson v. McMillan (use of force against a convicted prisoner)
    - (4). US v. Cobb (pre-trial detainee use of force)
2. Preservation of property
3. Enforcing regulations
4. Preventing escapes
5. Enforcing valid orders

### **Performance Outcome 2.16.**

Identify the circumstances under which a person is fingerprinted.

### **Training Objectives Relating to 2.16.**

Given a written exercise:

- A. Identify the circumstances under which a subject shall be fingerprinted.
- B. Identify requirements related to fingerprinting juveniles.

**Criteria:** The trainee shall be tested on the following:

- 2.16.1. The circumstances under which a suspect should be fingerprinted
  - 2.16.1.1. Charged with a felony
  - 2.16.1.2. Charged with a class I or class II misdemeanor
  - 2.16.1.3. Convicted of the above
- 2.16.2. The statutory requirements related to fingerprinting juveniles
  - 2.16.2.1. Age
  - 2.16.2.2. Type of crime
  - 2.16.2.3. Suspect in certain types of crimes
  - 2.16.2.4. Maintain juvenile fingerprint records separately from adult records
  - 2.16.2.5. Destruction of juvenile fingerprint records



**Lesson Plan Guide:** The lesson plan shall include the following:

1. The circumstances under which a suspect shall be fingerprinted (§19.2 - 390)
  - a. Charged with a felony
  - b. Charged with a class I or class II misdemeanor
  - c. Convicted of a class I or class II misdemeanor (§19.2- 390.2; §19.2-74)
2. The requirements related to fingerprinting juveniles §16.1-299
  - a. Age
  - b. Type of crime
  - c. Suspect in certain types of crimes
  - d. Maintain juvenile fingerprint records separately from adult records
  - e. Destruction of juvenile fingerprint records